

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Browne	Team: Team # 6	CCRB Case #: 201405511	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/03/2014 3:20 PM, Wednesday, 06/04/2014	Location of Incident: Newport Street and Bristol Street, and the 73rd Precinct stationhouse	Precinct: 73	18 Mo. SOL 12/3/2015	EO SOL 12/3/2015	
Date/Time CV Reported Wed, 06/04/2014 6:03 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 06/04/2014 6:03 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Derek Sambolin	06906	943771	073 PCT
2. SGT Christophe Muller	04155	925795	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jared Fox	20052	947000	073 PCT
2. LT Jose Vega	00000	898701	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Derek Sambolin	Abuse: On June 3, 2014, PO Derek Sambolin frisked § 87(2)(b) on the southeast corner of Newport Street and Bristol Street in Brooklyn.	
B.POM Derek Sambolin	Abuse: On June 3, 2014, PO Derek Sambolin searched § 87(2)(b) on the southeast corner of Newport Street and Bristol Street in Brooklyn.	
C.SGT Christophe Muller	Abuse: On June 3, 2014, Sgt. Christopher Muller frisked § 87(2)(b) on the southeast corner of Newport Street and Bristol Street in Brooklyn.	
D.POM Derek Sambolin	Abuse: On June 3, 2014, PO Derek Sambolin searched the car in which § 87(2)(b) was an occupant at the 73rd Precinct stationhouse.	
E.SGT Christophe Muller	Abuse: On June 3, 2014, Sgt. Christopher Muller searched the car in which § 87(2)(b) was an occupant at the 73rd Precinct stationhouse.	
F.POM Derek Sambolin	Abuse: On June 3, 2014, PO Derek Sambolin damaged § 87(2)(b)'s property at the 73rd Precinct stationhouse.	
G.SGT Christophe Muller	Abuse: On June 3, 2014, Sgt. Christopher Muller damaged § 87(2)(b)'s property at the 73rd Precinct stationhouse.	
H.SGT Christophe Muller	Discourtesy: On June 4, 2014, Sgt. Christopher Muller spoke discourteously to § 87(2)(b) at the 73rd Precinct stationhouse.	

### Case Summary

On June 4, 2014, § 87(2)(b) filed this complaint with the CCRB using the Call Processing System.

At about 3:20 p.m. on June 3, 2014, officers stopped § 87(2)(b) car and arrested him on the corner of Newport Street and Bristol Street in Brooklyn, resulting in the following allegations:

- **Allegation A—Abuse of Authority: On June 3, 2014, PO Derek Sambolin frisked § 87(2)(b) on the southeast corner of Newport Street and Bristol Street in Brooklyn.**
- **Allegation B—Abuse of Authority: On June 3, 2014, PO Derek Sambolin searched § 87(2)(b) on the southeast corner of Newport Street and Bristol Street in Brooklyn.**
- **Allegation C—Abuse of Authority: On June 3, 2014, Sgt. Christopher Muller frisked § 87(2)(b) on the southeast corner of Newport Street and Bristol Street in Brooklyn.**
- **Allegation D—Abuse of Authority: On June 3, 2014, PO Derek Sambolin searched the car in which § 87(2)(b) was an occupant at the 73rd Precinct stationhouse.**
- **Allegation E—Abuse of Authority: On June 3, 2014, Sgt. Christopher Muller searched the car in which § 87(2)(b) was an occupant at the 73rd Precinct stationhouse.**

§ 87(2)(g)

- **Allegation F—Abuse of Authority: On June 3, 2014, PO Derek Sambolin damaged § 87(2)(b) s property at the 73rd Precinct stationhouse.**
- **Allegation G—Abuse of Authority: On June 3, 2014, Sgt. Christopher Muller damaged § 87(2)(b) s property at the 73rd Precinct stationhouse.**

§ 87(2)(g)

- **Allegation H—Discourtesy: On June 4, 2014, Sgt. Christopher Muller spoke discourteously to § 87(2)(b) at the 73rd Precinct stationhouse.**

§ 87(2)(g)

§ 87(2)(g)

## Results of Investigation

### Civilian Statement

#### Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

### CCRB Statement

§ 87(2)(b) was interviewed in person at the CCRB on June 16, 2014 (encl. 7A-P) and provided two follow up phone statements on June 27, 2014 (encl. 7Q). At about 3:20 p.m. on June 3, 2014, § 87(2)(b) was driving his black 2001 Mercedes S500 approximately fifteen miles per hour eastbound on Newport Street in Brooklyn. In the passenger's seat of the car was an acquaintance, § 87(2)(b) to whom he had offered to drive home. § 87(2)(b) had four bags of marijuana in one of his pants pockets, as well as his wallet, keys, and cell phone. § 87(2)(b) had not committed any traffic violation, such as crossing the middle double yellow line.

As he crossed one intersection, § 87(2)(b) saw an unmarked car stopped at a cross street containing three officers—identified through investigation as PO Derek Sambolin, PO Jared Fox, and Sgt. Christopher Muller of the 73<sup>rd</sup> Precinct. § 87(2)(b) made eye contact with PO Sambolin and sensed that he would pursue him. § 87(2)(b) continued eastbound on Newport Street at the same speed, but quickly saw the police car following and heard the siren engage, so he stopped on the southeast corner of Newport Street and Bristol Street. In his in-person statement, § 87(2)(b) did not mention ever hitting another car, and it was only when questioned specifically about it during a follow up call that he claimed to have struck the mirror of a parked car as he was being pulled over by the officers.

Nevertheless, all three officers exited, with PO Sambolin and Sgt. Muller approaching him on the driver's side. § 87(2)(b) asked why he was being stopped, but PO Sambolin did not reply, instead requesting § 87(2)(b) license and registration. Before § 87(2)(b) had a chance to provide those documents, either PO Sambolin or Sgt. Muller asked § 87(2)(b) to turn off the car and step out. One of the officers also told § 87(2)(b) to step out, which he did.

Although § 87(2)(b) stated that Sgt. Muller subsequently questioned him, the investigation determined that it was PO Sambolin who interacted with him almost exclusively. As such, PO Sambolin asked him if he had anything he should not have. § 87(2)(b) replied that he did not. PO Sambolin then patted down his torso, waist, and legs, as well as squeezed the outside of his pants pockets before reaching into them and removing all the aforementioned items, including the marijuana. Without saying anything, PO Sambolin placed § 87(2)(b) in handcuffs. On the other side of the vehicle, § 87(2)(b) believed that § 87(2)(b) was also frisked and handcuffed, though he did not recall specifically.

Both § 87(2)(b) and § 87(2)(b) were then placed in the police car and transported to the 73<sup>rd</sup> Precinct stationhouse, while one officer followed in § 87(2)(b) vehicle. None of the officers searched § 87(2)(b) car while at the scene. Soon after entering the stationhouse, PO Sambolin asked § 87(2)(b) if he had anything in his car that he should not have. When § 87(2)(b) stated that he did not, PO Sambolin told him that he was going to “tear up” his car. The vehicle was ultimately released to § 87(2)(b) girlfriend that night.

When he returned home on June 4, 2014, he discovered substantial damage to his car which had not been present before the incident, including a broken air vent, broken plastic bases surrounding the bottom of the driver's and passenger's seats, a missing knob on one of the console buttons, a broken drawer where the charger is located, a missing cover to an electrical panel underneath the driver's seat, a protruding façade on the front console, ripped carpet lining, ripped fabric from the sunroof, and a broken hood that causes the hood icon to remain lit even when the hood is closed.

§ 87(2)(b) provided photographs of this alleged damage (encl. 7F-O).

§ 87(2)(b) returned to the stationhouse at about 6:00 p.m. on June 4, 2014 to inquire about the damage to his vehicle. He spoke to an unidentified desk officer, who summoned a supervisor—identified as Lt. Jose Vega of the 73<sup>rd</sup> Precinct. Shortly thereafter, Lt. Vega brought Sgt. Muller to the desk, at which point § 87(2)(b) requested compensation for the damage. Sgt. Muller replied, "I'm not giving you shit" or "I'm not looking at shit," and added, "get the fuck out of my face" or "get the fuck out of here." § 87(2)(b) did not want to argue, so he left.

§ 87(2)(b) stated that he just wanted something to be done to fix his car, as he would never have left it in that condition. The undersigned notified § 87(2)(b) that the CCRB could not assist him in obtaining any compensation for the damage.

**Witness:** § 87(2)(b)

- § 87(2)(b)

§ 87(2)(b) provided an unverified phone statement on November 13, 2014 (encl. 8A). On the day that her vehicle was struck, she was sitting outside of her home when she heard a loud bang as vehicles passed by. Several minutes later, Sgt. Muller walked over to her car, which was parked directly outside her home, and asked her if it was her mirror that was lying on the ground. Prior to this, § 87(2)(b) was unaware that her car had been struck. However, she confirmed that it was hers. Sgt. Muller then told her that he would complete an accident report and that she could pick it up at the stationhouse. Within several minutes, Sgt. Muller left. § 87(2)(b)

§ 87(2)(b) maintained that she did not know the driver who struck her car or anyone named

§ 87(2)(b)

**Attempts to Contact Civilians**

As § 87(2)(b) was a passenger in § 87(2)(b) vehicle and was arrested at the scene, he was a witness to the entire incident. On August 28, 2014, § 87(2)(b)'s mother, § 87(2)(b) stated that § 87(2)(b) could only be reached at her telephone number and promised to have him call the CCRB that same day, though he failed to do so. On the fourth call to § 87(2)(b) on September 25, 2014, she stated that § 87(2)(b) did not recall the incident. When a request to take § 87(2)(b)'s statement was made, § 87(2)(b) proposed another time to call. During a final call on October 3, 2014, § 87(2)(b) reaffirmed that § 87(2)(b) did not want to provide any statement and asked not to be contacted any further. As a Lexus Nexus search performed on November 24, 2014 produced no other telephone numbers for § 87(2)(b) the investigation was unable to obtain a statement from him.

## **NYPD Statements**

### **Subject Officer: PO DEREK SAMBOLIN**

- *At the time of his interview, PO Sambolin was a § 87(2)(b) -old Hispanic male who stood 5'9" tall, weighed 240 pounds, and had brown hair and brown eyes.*
- *On June 3, 2014, PO Sambolin was assigned to the anti-crime set team in the 73<sup>rd</sup> Precinct, partnered with Sgt. Christopher Muller and PO Jared Fox. He worked from 10:30 a.m. to 7:05 p.m., was dressed in plainclothes, and was assigned to an unmarked dark blue Chevrolet Impala (#§ 87(2)(b)).*

### **Memo Book**

PO Sambolin recorded in his memo book (encl. 9A-B) that at 3:20 p.m., he stopped a 2001 Mercedes Benz (NY Plate #§ 87(2)(b)) at Bristol Street and Newport Street for reckless driving after it struck another vehicle. Both § 87(2)(b) (DOB: § 87(2)(b)) and § 87(2)(b) (DOB: § 87(2)(b)) were arrested. § 87(2)(b) had marijuana and ecstasy pills sticking out of his sock, attempting to conceal them. At 3:30 p.m., PO Sambolin was at the 73<sup>rd</sup> Precinct.

### **Arrest Report**

On § 87(2)(b) arrest report (encl. 13A-C), PO Sambolin stated that § 87(2)(b) was operating a 2001 Mercedes Benz (§ 87(2)(b)) when it crossed the double yellow line on Newport Street and then struck a parked car, causing damage. Upon stopping the vehicle, § 87(2)(b) was observed to be in possession of a quantity of marijuana and controlled substance (ecstasy pill) with the intent to sell. § 87(2)(b) stated that he did not know his social security number. § 87(2)(b)

### **Command Log**

The command log on June 3, 2014 (encl. 18G) showed that § 87(2)(b) was arrested for § 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(b) car was not mentioned.

### **CCRB Statement**

PO Sambolin was interviewed at the CCRB on October 31, 2014 (encl. 9D-E). At about 3:20 p.m. on June 3, 2014, PO Sambolin, PO Fox, and Sgt. Muller were conducting routine patrol, heading eastbound on Newport Street in Brooklyn. Approximately two car lengths in front of them was § 87(2)(b) vehicle, though they were not intentionally following him. PO Sambolin saw § 87(2)(b) look at their car in his rear view mirror, at which point he began swerving, crossing the middle double yellow line several times, and eventually cascading back towards the side of the road where some part of the body of his car struck a parked car and broke its mirror.

Instead of stopping, § 87(2)(b) continued for a half a block, crossing the intersection with Bristol Street. Seeing that § 87(2)(b) was driving recklessly, had struck a vehicle, and was leaving the scene of the accident, PO Sambolin decided to stop § 87(2)(b) so he engaged his lights and sirens. § 87(2)(b) quickly pulled over.

PO Sambolin exited his vehicle and approached § 87(2)(b) at the driver's side, during which he saw § 87(2)(b) briefly bend down in his seat, though he could not see any specific action or hand movement. Meanwhile, PO Sambolin believed that Sgt. Muller and PO Fox approached the

passenger's side. When he reached the car, he asked § 87(2)(b) what happened because he hit a car. § 87(2)(b) replied that he did not know what he was talking about. Given the accident, PO Sambolin was going to arrest § 87(2)(b) unless further investigation deemed it unnecessary. However, during this exchange, PO Sambolin smelled a strong scent of marijuana emanating from inside the vehicle, so he requested § 87(2)(b) driver's license, registration, and insurance, and asked him to step out of the vehicle to determine if he was under the influence of drugs.

As § 87(2)(b) exited the vehicle, PO Sambolin observed that one of his pant legs was rolled up and a large bag containing a leafy green substance was sticking out of the top of his sock. Based on his knowledge of narcotics as well as the odor, PO Sambolin knew the substance to be marijuana. At that point, PO Sambolin determined that § 87(2)(b) would be arrested not only for reckless driving, but also for possession of marijuana.

PO Sambolin subsequently told § 87(2)(b) that he was under arrest and handcuffed him. PO Sambolin then frisked and searched § 87(2)(b) entire body, removing the bag of marijuana and discovering that it also contained several ecstasy pills. Meanwhile, Sgt. Muller spoke with owner of the car and an accident report was ultimately completed. PO Sambolin then drove § 87(2)(b)'s car back to the stationhouse while Sgt. Muller and PO Fox transported § 87(2)(b) and § 87(2)(b). PO Sambolin maintained that when the car was confiscated, its interior was in disarray and disrepair. PO Sambolin did not recall specific preexisting damage other than both seat bases being broken, but at no point did he cause any of the alleged damage.

Once back at the stationhouse, PO Sambolin conducted a vehicle search to determine if it contained weapons or additional drugs, which it did not. PO Sambolin did not recall asking § 87(2)(b) if he had anything illegal in his car, such as a gun, nor did he state or hear any other officer state that he would "tear up" the car. However, PO Sambolin did learn at the stationhouse that § 87(2)(b) had previously been arrested for possession a gun after a search warrant was conducted by other members of PO Sambolin's team, so he acknowledged searching for one.

**Subject Officer: SGT. CHRISTOPHER MULLER**

- *At the time of his interview, Sgt. Muller was a § 87(2)(b)-old white male who stood 5'8" tall, weighed 200 pounds, and had brown hair and blue eyes.*
- *On June 3, 2014, Sgt. Muller worked the same tour and assignment as PO Derek Sambolin.*

**Memo Book**

Sgt. Muller recorded in his memo book (encl. 10A-D) that at 3:15 p.m., he observed vehicle with NY license plate #§ 87(2)(b) hit the mirror of a parked car with NY license plate #§ 87(2)(b). At that time, he stopped the first vehicle at Newport Street and Bristol Street. At 3:20 p.m., two arrests were made by PO Sambolin for § 87(2)(b), § 87(2)(a) 160.50 § 87(2)(b). The arrestees were § 87(2)(b) (DOB: § 87(2)(b)) and § 87(2)(b) § 87(2)(b).

**CCRB Statement**

Sgt. Muller was interviewed at the CCRB on October 30, 2014 (encl. 10E-G). § 87(2)(g)

When the officers approached their respective sides, both civilians spoke with slightly agitated tones. Although Sgt. Muller did not recall any details of their conversation, PO Sambolin asked § 87(2)(b) to step out of the car because § 87(2)(b) had fled the scene of an accident, so a complaint and accident reports had to be filed and § 87(2)(b) had to be checked for warrants. Sgt. Muller asked § 87(2)(b) to step out as well because he suspected that both occupants may have become nervous upon spotting the officers police vehicle, thereby causing the accident. As such, he wanted to ensure that § 87(2)(b) was not concealing any weapons or contraband. After requesting his identification, Sgt. Muller frisked § 87(2)(b)'s waistband, though he did not feel any weapons. Sgt. Muller did not enter any pockets or search any part of § 87(2)(b)'s person.

Needing to process an accident report, Sgt. Muller then walked back alone to the parked car and obtained its license plate number. While he was there, § 87(2)(b) exited her home and spoke to Sgt. Muller. She was angry upon seeing the damage. Shortly thereafter, Sgt. Muller returned to § 87(2)(b)'s car and spoke to PO Sambolin, who stated that § 87(2)(b) was under arrest for possession of a bag of marijuana that was sticking out of one of his socks. Additionally, PO Sambolin explained that an ecstasy pill had been found in the car, and because neither civilian claimed it, § 87(2)(b) was also being arrested. Sgt. Muller did not make any of the drug observations and did not see PO Sambolin frisk or search § 87(2)(b). Furthermore, because the vehicle was being taken into custody, all three officers briefly searched it at the scene.

Although he did not recall any specific preexisting damage, Sgt. Muller maintained that § 87(2)(b)'s car was in disarray and disrepair prior to their search and denied causing or seeing any other officer cause any of the photographed damage. At the stationhouse, Sgt. Muller assisted PO Sambolin in conducting an additional search of the vehicle, though nothing else illegal was found.

The next day, § 87(2)(b) returned to the stationhouse and asked to speak about his car. Lt. Vega summoned Sgt. Muller, and § 87(2)(b) complained about damage to his vehicle, demanding money. Sgt. Muller told him that he would not get any money and that they had not caused any damage. When § 87(2)(b) continued to demand money, Sgt. Muller reiterated that they would not compensate him and instructed him to leave. However, Sgt. Muller never stated, "I'm not giving you shit" or "Get the fuck out," nor did he use any other profanity towards § 87(2)(b).

**Witness Officer: PO JARED FOX**

- *At the time of his interview, PO Fox was a § 87(2)(b)-old Hispanic male who stood 5'9" tall, weighed 215 pounds, and had brown hair and brown eyes.*
- *On June 3, 2014, PO Fox worked the same tour/assignment as PO Derek Sambolin and Sgt. Christopher Muller.*

**Memo Book**

PO Fox recorded in his memo book (encl. 11A-C) that at 3:20 p.m., PO Sambolin made two arrests at Newport Street and Bristol Street, including those of § 87(2)(b) (DOB: § 87(2)(b)) and § 87(2)(b) (DOB: § 87(2)(b)).

**CCRB Statement**

PO Fox was interviewed at the CCRB on November 6, 2014 (encl. 11D-E). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

PO Fox corroborated that he saw § 87(2)(b) briefly bend down in his seat as they approached the vehicle and that as he stood just outside the passenger's window, which was open, he smelled the faint odor of marijuana. After no more than one minute, PO Sambolin asked § 87(2)(b) to step out of the vehicle. PO Fox later learned from PO Sambolin that, given his reckless driving and the odor of marijuana, he wanted to determine if § 87(2)(b) was driving under the influence of any substances. As § 87(2)(b) exited, PO Sambolin gave some sort of signal, though PO Fox did not specifically recall how, that he was arresting § 87(2)(b). PO Sambolin also later reported that the arrest was made because he found marijuana and ecstasy on § 87(2)(b).

After less than one minute, Sgt. Muller then instructed § 87(2)(b) to step out of the car. Sgt. Muller then frisked § 87(2)(b)'s waistband, though he did not know the reason for doing so. At that point, the officers collectively decided that a search of the vehicle would be conducted at the stationhouse to determine if any additional contraband was present. If nothing was found, § 87(2)(b) would be released. PO Fox believed that, at the scene, PO Sambolin searched the lunge-able and grab-able areas around the driver's seat, but he did not see or participate in any additional vehicle search at the scene.

After escorting the prisoners to the stationhouse, PO Fox had no further contact with either civilian. He did not participate in a vehicle search and did not hear any conversation between PO Sambolin and § 87(2)(b). PO Fox maintained that the car was already disheveled at the time of the stop, though he could not recall any specific preexisting damage, and that he did not see any officer cause any of the alleged damage.

**Witness Officer: LT. JOSE VEGA**

- *At the time of his interview, Lt. Vega was a § 87(2)(b)-old Hispanic male who stood 5'8" tall, weighed 175 pounds, and had black hair and brown eyes.*
- *On June 4, 2014, Lt. Vega was assigned to administrative duty at the 73<sup>rd</sup> Precinct stationhouse. He worked from 1:00 p.m. to 9:35 p.m. and was dressed in uniform.*

**Memo Book**

Lt. Vega did not have any entries in his memo book (encl. 12A-B) regarding this incident. At 4:00 p.m., Lt. Vega was the acting desk officer. At 7:00 p.m., he was on administrative duty.

**Command Log**

Lt. Vega recorded in the command log (encl. 20K) that § 87(2)(b) entered the 73<sup>rd</sup> Precinct and requested to speak with his arresting officer, PO Sambolin. The arresting officer was off duty and he spoke with Sgt. Muller. § 87(2)(b) wanted to know why his car was searched. § 87(2)(b) walked out with a CCRB worksheet.

**CCRB Statement**

Lt. Vega was interviewed at the CCRB on November 6, 2014 (encl. 12C-D). At about 5:50 p.m. on June 4, 2014, Lt. Vega was working as the desk officer at the 73<sup>rd</sup> Precinct stationhouse. When § 87(2)(b) entered and asked to speak with PO Sambolin regarding his arrest, Lt. Vega told him that PO Sambolin was not there, so instead brought out Sgt. Muller. Lt. Vega did not recall any specifics of their conversation, including any discussion of payment for damages. Lt. Vega did not recall hearing Sgt. Muller use any profanity or make any of the alleged statements.



## Property Voucher

# Accident Report

### Disposition of Arrest

- ## Status of Civil Proceedings

- ### Civilian's Criminal History

- ### Civilian's CCRB History

- CCRB – Confidential

### **Subject Officers CCRB Histories**

- PO Sambolin has been a member of the service for seven years and there are two substantiated CCRB allegations against him (encl. 2A-B).
  - On June 2, 2009, the CCRB substantiated one allegation of a vehicle stop and one allegation of a discourteous action against PO Sambolin regarding CCRB case #200801475. PO Sambolin pled guilty in court and lost 25 vacation days.
- Sgt. Muller has been a member of the service for fourteen years and there are five substantiated CCRB allegations against him (encl. 3A-B).
  - On February 8, 2008, the CCRB substantiated one allegation of a stop, one allegation of a search, and one allegation of refusal to provide name and shield number against Sgt. Muller regarding CCRB case #200611570. Because the case's statute of limitation expired, the NYPD took no disciplinary action.
  - On January 8, 2014, the CCRB substantiated one allegation of a vehicle search and one allegation of a premises entry/search against Sgt. Muller regarding CCRB case #201300228. It is unknown if the NYPD took disciplinary action.

### **Conclusion**

#### **Identification of Subject Officers**

§ 87(2)(b) stated that two officers approached his driver's side window: the first was a Hispanic male in his early thirties with jet black hair, and the second was a white male in his mid-thirties with blond hair who was referred to as a sergeant by another officer. These two descriptions closely match the respective pedigrees of PO Sambolin and Sgt. Muller, both of whom acknowledged speaking to the occupants of the car. However, while § 87(2)(b) alleged that it was the older white officer who frisked and searched him, all officers were consistent in that it was PO Sambolin, § 87(2)(b) arresting officer, who conducted the frisk and search. The officers' version of events would be consistent with § 87(2)(b)'s testimony in which a middle-aged white male officer walked to her car and completed the accident report. As all officers corroborated that after frisking § 87(2)(b) Sgt. Muller went back to the scene of the accident, the investigation determined by a preponderance of the evidence that it was PO Sambolin who frisked and searched § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) also alleged that, at the stationhouse, Sgt. Muller stated he would "tear up" § 87(2)(b) § 87(2)(b) car in search of illegal items. He also alleged that upon retrieving his car, discovered significant damage. Both PO Sambolin and Sgt. Muller acknowledged searching § 87(2)(b) vehicle for additional narcotics at the stationhouse. § 87(2)(g)

§ 87(2)(b)

Lastly, § 87(2)(b) alleged that when he went back to the stationhouse to complain about his car, one of the officers who arrested him stated something like, "I'm not giving you shit" and "get the fuck out of here." § 87(2)(g)

§ 87(2)(b)

#### **Investigative Findings and Recommendations**

**Allegation A—Abuse of Authority: On June 3, 2014, PO Derek Sambolin frisked § 87(2)(b) on the southeast corner of Newport Street and Bristol Street in Brooklyn.**

**Allegation B—Abuse of Authority: On June 3, 2014, PO Derek Sambolin searched § 87(2)(b) on the southeast corner of Newport Street and Bristol Street in Brooklyn.**

**Allegation C—Abuse of Authority: On June 3, 2014, Sgt. Christopher Muller frisked § 87(2)(b) on the southeast corner of Newport Street and Bristol Street in Brooklyn.**

**Allegation D—Abuse of Authority: On June 3, 2014, PO Derek Sambolin searched the car in which § 87(2)(b) was an occupant at the 73rd Precinct stationhouse.**

**Allegation E—Abuse of Authority: On June 3, 2014, Sgt. Christopher Muller searched the car in which § 87(2)(b) was an occupant at the 73rd Precinct stationhouse.**

Although he initially failed to report it, § 87(2)(b) ultimately acknowledged hitting another vehicle. § 87(2)(b) alleged that after requesting his documents, PO Sambolin immediately told him to step out of the car. § 87(2)(b) stated that PO Sambolin then frisked his entire body and searched his pockets, at which point he discovered the marijuana. § 87(2)(b) believed that Sgt. Muller meanwhile frisked § 87(2)(b). It is undisputed PO Sambolin frisked and search § 87(2)(b) that Sgt. Muller frisked § 87(2)(b) and that both officers later searched the vehicle.

However, all three officers corroborated that § 87(2)(b) struck a vehicle and maintained that his reckless driving and the collision were the reasons for the stop, as indicated on police documentation. Both PO Sambolin and PO Fox stated that they both almost immediately smelled the odor of marijuana while standing next to their respective windows. § 87(2)(b) property voucher indicated that eight bags of marijuana were recovered as a result of the arrest.

When the officer smells the odor of marijuana emanating from a vehicle during a legitimate stop, he has probable cause to search that vehicle and all of its occupants. *People v. Johnson*, 25 Misc. 3d 1214(A) (Sup. Ct., Queens Co. 2009) (encl. 1A-B).

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

**Allegation F—Abuse of Authority: On June 3, 2014, PO Derek Sambolin damaged § 87(2)(b)'s property at the 73rd Precinct stationhouse.**

**Allegation G—Abuse of Authority: On June 3, 2014, Sgt. Christopher Muller damaged § 87(2)(b)'s property at the 73rd Precinct stationhouse.**

§ 87(2)(b) alleged that the search of his vehicle resulted in extensive damage as outline above—damage that did not exist before this incident. Furthermore, he claimed that Sgt. Muller told him that he would “tear up” his car. Conversely, all three officers maintained that the car was already in severe disrepair at the time of the stop, while PO Sambolin and Sgt. Muller denied causing or seeing the other officer cause any of the alleged damage.

§ 87(2)(g)

**Allegation H—Discourtesy: On June 4, 2014, Sgt. Christopher Muller spoke discourteously to § 87(2)(b) at the 73rd Precinct stationhouse.**

§ 87(2)(b) alleged that when he returned to the stationhouse the next day to complain about his car, Sgt. Muller stated “I’m not giving you shit” and “get the fuck out of here.” Sgt. Muller acknowledged telling § 87(2)(b) that he would not be compensated and instructing him to leave, but he denied making any such statements or using any profanity. Lt. Vega, who was at the desk at the time, did not recall hearing Sgt. Muller make any such statements or use any profanity.

§ 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date